

**REMARKS**

Claims 1-5, 7-24, and 26-28 are currently pending in the application. Claims 1, 4, 8-9, 14, 17, 19-20, 23, and 26-28 have been amended. Claims 6 and 25 have been canceled. Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the following remarks.

Claims 1, 9, 14, 17, 20, and 28 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite and failing to point out and distinctly claim the subject matter the Applicant regards as the invention. Applicant respectfully submits that claims 1, 9, 14, 17, 20, and 28 as amended overcome the Examiner's rejection. More specifically, the term "stability" recited in claims 1, 20, and 28 has been replaced by the term "status." Support for this amendment may be found on at least page 7, lines 19-21 of the specification. In addition, the term "development" recited in claim 9 has been replaced by the term "progress." Additionally, claims 14 and 17 have also been amended to overcome the Examiner's rejection.

Claims 1-19 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully submits that claims 1-19 as pending prior to this amendment were directed to patentable subject matter. However, in an effort to further prosecution of this application, Applicant has amended claims 1 and 9 in response to the rejection of claim 1-19 as not being directed to statutory subject matter. In particular, claim 1 has been amended to recite that the steps of claim 1 of computing the at least two project progress parameters, computing the regression parameters, computing the correlation coefficients, and collecting data of the project are performed over a computer network. Claim 9 has been amended to recite that the steps of claim 9 of collecting the data, parsing the data, computing the second data records, and computing the third data records are performed over a computer network. Applicant respectfully submits that, even if it is assumed, for the sake of argument, that claims 1 and 9 prior to their amendment herein were not directed to statutory subject matter, each of claims 1 and 9 are now clearly directed to statutory subject matter.

Claims 1-4, 6-9, 12-15, and 18-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over "Software Metrics Knowledge and Database for Project Management," by Paul et al. ("Paul") in view of U.S. Patent No. 6,073,107 to Minkiewicz et al. ("Minkiewicz").

Paul discloses an approach which can employ modern high-level analytical techniques in conjunction with software metrics database to process the metrics data in order to gain knowledge and detailed insight into the software development process. Construction and maintenance of large, high-quality software projects is a complex, error-prone, and difficult process. Tools employing software database metrics can play an important role in efficient execution and management of such large projects. The framework disclosed in this paper incorporates database and knowledge-base tools, a formal set of software test and evaluation metrics, and a suite of advanced analytic techniques for extracting information and knowledge from available data. The framework has potential for greatly reducing venture risks and enhancing production quality in the domain of large software project management.

Minkiewicz discloses a parametric software estimating system that provides a class of user selectable size metrics. At least one of the metrics is adapted specifically for use with proposed object oriented software systems. An estimate of labor hours for various development categories can be provided along with estimated costs.

Independent claim 1 is directed to a method for determining status of a project. Applicant respectfully submits that the cited combination of Paul and Minkiewicz fails to teach, suggest, or render obvious at least one of the distinguishing features of independent claim 1, namely, collecting data of a project, the data being structured as branches and leave and wherein the branches are representative of structure components of a requirements document, and the leaves are representative of content components of the requirements document. In contrast to claim 1, Paul discloses metrics evaluation only for software project management. In addition, Paul discloses measuring software quality and not a requirements document which corresponds to project data as in claim 1. Minkiewicz fails to remedy the deficiencies of Paul in that Minkiewicz also does not teach, suggest, or render obvious measuring a requirements document which corresponds to project data as in claim 1. Furthermore, the combination of Paul and Minkiewicz fails to disclose a requirements document. Applicant respectfully submits that independent claim 1 distinguishes over the cited combination of Paul and Minkiewicz. Withdrawal of the rejection of independent claim 1 is respectfully requested.

Dependent claims 2-4 and 7-8 depend from and further restrict independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above

with respect to the rejection of independent claim 1, dependent claims 2-4 and 7-8 distinguish over Paul in view of Minkiewicz and are in condition for allowance. Withdrawal of the rejection of dependent claims 2-4 and 7-8 is respectfully requested.

Independent claim 9 is directed to a method for analyzing progress of a project. Applicant respectfully submits that the cited combination of Paul and Minkiewicz fails to teach, suggest, or render obvious at least one of the distinguishing features of independent claim 9, namely, wherein branches are representative of structure components of a requirements document, and leaves are representative of content components of the requirements document. In contrast to claim 9, Paul discloses metrics evaluation only for software project management. In addition, Paul discloses measuring software quality and not a requirements document which corresponds to project data as in claim 9. Minkiewicz fails to remedy the deficiencies of Paul in that Minkiewicz also does not teach, suggest, or render obvious measuring a requirements document which corresponds to project data as in claim 9. Furthermore, the combination of Paul and Minkiewicz fails to disclose a requirements document. Applicant respectfully submits that independent claim 9 distinguishes over the cited combination of Paul and Minkiewicz. Withdrawal of the rejection of independent claim 9 is respectfully requested.

Dependent claims 12-15 and 18-19 depend from and further restrict independent claim 9 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 9, dependent claims 12-15 and 18-19 distinguish over Paul in view of Minkiewicz and are in condition for allowance. Withdrawal of the rejection of dependent claims 12-15 and 18-19 is respectfully requested.

Independent claim 20 relates to a system for determining status of a project. Applicant respectfully submits that the cited combination of Paul and Minkiewicz fails to teach, suggest, or render obvious at least one of the distinguishing features of independent claim 20, namely, collect data of a project, the data being structured as branches and leaves and wherein the branches are representative of structure components of a requirements document, and the leaves are representative of content components of the requirements document. In contrast to claim 20, Paul discloses metrics evaluation only for software project management. In addition, Paul discloses measuring software quality and not a requirements document which corresponds to project data as in claim 20. Minkiewicz fails to remedy the deficiencies of Paul in that

Minkiewicz also does not teach, suggest, or render obvious measuring a requirements document which corresponds to project data as in claim 20. Furthermore, the combination of Paul and Minkiewicz fails to disclose a requirements document. Applicant respectfully submits that independent claim 20 distinguishes over the cited combination of Paul and Minkiewicz. Withdrawal of the rejection of independent claim 20 is respectfully requested.

Dependent claims 21-24 and 26-27 depend from and further restrict independent claim 20 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 20, dependent claims 21-24 and 26-27 distinguish over Paul in view of Minkiewicz and are in condition for allowance. Withdrawal of the rejection of dependent claims 21-24 and 26-27 is respectfully requested.

Independent claim 28 relates to a system for determining status of a project. Applicant respectfully submits that the cited combination of Paul and Minkiewicz fails to teach, suggest, or render obvious at least one of the distinguishing features of independent claim 28, namely, means for collecting data of a project, the data being structured as branches and leaves and wherein the branches are representative of structure components of a requirements document, and the leaves are representative of content components of the requirements document. In contrast to claim 28, Paul discloses metrics evaluation only for software project management. In addition, Paul discloses measuring software quality and not a requirements document which corresponds to project data as in claim 28. Minkiewicz fails to remedy the deficiencies of Paul in that Minkiewicz also does not teach, suggest, or render obvious measuring a requirements document which corresponds to project data as in claim 28. Furthermore, the combination of Paul and Minkiewicz fails to disclose a requirements document. Applicant respectfully submits that independent claim 28 distinguishes over the cited combination of Paul and Minkiewicz. Withdrawal of the rejection of independent claim 28 is respectfully requested.

Claims 5, 10-11, 16-17, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Paul in view of U.S. Patent No. 5,930,798 to Lawler et al. ("Lawler").

Dependent claim 5 depends from and further restricts independent claim 1 in a patentable sense. Dependent claims 10-11 and 16-17 depend from and further restrict

independent claim 9 in a patentable sense. Dependent claim 24 depends from and further restricts independent claim 20 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, 9, and 20, respectively, dependent claims 5, 10-11, 16-17, and 24 distinguish over Paul in view of Lawler and are in condition for allowance. Withdrawal of the rejection of dependent claims 5, 10-11, 16-17, and 24 is respectfully requested.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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